

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

WORLD WRESTLING ENTERTAINMENT,  
INC. and WWE PROPERTIES  
INTERNATIONAL, INC. (as successor in  
interest to WWE LIBRARIES, INC.),

Plaintiffs,

v.

AWA WRESTLING ENTERTAINMENT,  
INC., and DALE R. GAGNER, an individual,  
a/k/a DALE R. GAGNE, a/k/a DALE GAGNE,

Defendants.

Civil Action No. 0:07-cv-02058  
ADM/KMM

**DECLARATION OF CHRISTOPHER M. VERDINI**

I, Christopher M. Verdini, declare as follows:

1. I make this declaration of my own personal knowledge, and, if called upon as a witness to testify about the contents of this Declaration, I could and would do so competently.

2. I am an attorney and partner at K&L Gates LLP and counsel for Plaintiffs World Wrestling Entertainment, Inc. and WWE Properties International, Inc. (collectively, “WWE”) in this matter.

3. I submit this declaration in support of WWE’s request that the Court order Defendant Dale R. Gagner (“Gagner”) to pay the reasonable attorneys’ fees WWE incurred in connection with its Motion for Rule to Show Cause why Gagner should not

be held in civil contempt due to his continuing violation of this Court's December 18, 2008 Final Judgment (Docket No. 75) (the "Motion").

4. The K&L Gates LLP professionals who principally worked on WWE's Motion were partners, Curtis B. Krasik and me, along with associate Anna Shabalov, and paralegal Rachael Sobolak.

5. K&L Gates LLP has been WWE's primary outside counsel for nearly thirty (30) years and K&L Gates LLP partner Jerry S. McDevitt has represented WWE in nearly every significant lawsuit to which WWE has been a party during that time, including multiple jury and bench trials.

6. Mr. Krasik is a partner at K&L Gates LLP resident in the firm's Pittsburgh, Pennsylvania office. Mr. Krasik graduated from the University of Michigan in 1994 and the University of Pennsylvania Law School in 1997. With Mr. McDevitt, Mr. Krasik has represented WWE for over twenty (20) years in lawsuits throughout the United States.

7. I am a partner at K&L Gates LLP resident in the firm's Pittsburgh, Pennsylvania office. I graduated from Harvard University in 2001 and Emory University School of Law in 2004. With Mr. Krasik, I have represented WWE in intellectual property disputes for over ten (10) years.

8. Ms. Shabalov is an associate at K&L Gates LLP resident in the firm's Pittsburgh, Pennsylvania office. Ms. Shabalov graduated from Harvard University in 2010 and Yale Law School in 2013. Ms. Shabalov has worked on WWE matters since joining K&L Gates LLP in 2014 and focuses her practice on intellectual property matters.

9. As WWE's primary outside counsel, K&L Gates LLP has gained unique and extensive knowledge of WWE's business and practices including, as particularly pertinent here, WWE's intellectual property portfolio and historical acquisitions of third-party intellectual property. Given K&L Gates LLP's long-standing relationship with WWE and its familiarity with WWE's business and practices, K&L Gates LLP was able to handle this matter more effectively and efficiently.

10. K&L Gates LLP has been counsel for WWE since it filed the original complaint in this case in February 2007.

11. The legal invoices attached as Exhibit 1 hereto are true and accurate copies of invoices sent to WWE that have been redacted to reflect only the time K&L Gates LLP billed in connection with preparing and filing WWE's Motion for which WWE seeks reimbursement. As such, the invoices do not reflect (i) all of the time K&L Gates LLP billed WWE for preparing and filing WWE's Motion; (ii) the time co-counsel, Brownson Norby, billed WWE for preparing and filing WWE's Motion; (iii) any time or expenses, including travel, billed to WWE for K&L Gates LLP's and Brownson Norby's preparation for and attendance at the November 15, 2018 hearing on WWE's Motion; and (iv) any costs billed to WWE in preparing and filing the Motion, including, among other things, electronic research charges (e.g., Westlaw) and costs incurred in attempting to serve Mr. Gagner with the Motion. Any information that is not related to the fees for which WWE seeks reimbursement has been redacted. The invoices reflect the contemporaneous time entries made by K&L Gates LLP timekeepers for the services rendered on each day.

12. A summary of the fees charged by K&L Gates LLP for which WWE seeks reimbursement is attached hereto as Exhibit 2.

13. Based on my personal review of the invoices and my active participation in this matter, the time spent by K&L Gates LLP in connection with WWE's Motion for which WWE seeks reimbursement was reasonable for the services provided.

14. Based on my knowledge and experience in this matter and similar matters, the hourly rates charged by K&L Gates LLP in this matter were reasonable for the services rendered.

15. K&L Gates LLP billed WWE at its standard hourly rates for its professionals in connection with this Motion. The hourly rates for the K&L Gates' professionals who worked on the Motion were as follows: (i) \$680/hr. for Mr. Krasik; (ii) \$595/hr. for Mr. Verdini; (iii) \$365/hr. for Ms. Shabalov; and (iv) \$295/hr. for Ms. Sobolak.

16. Attached hereto as Exhibit 3 are excerpts from the 2017 American Intellectual Property Law Association Report of the Economic Survey ("2017 AIPLA Report") which reflect (i) the average hourly rates for partners and associates who specialize in intellectual property work and are employed by firms the size of K&L Gates, and (ii) the average hourly rates for partners and associates who specialize in intellectual property work at firms in the Minneapolis/St. Paul metropolitan area.

17. According to the hourly rates reported in the 2017 AIPLA Report, the hourly rates of the K&L Gates attorneys are below the average hourly rates for partners and associates who specialize in intellectual property work and are employed by firms the

size of K&L Gates. The K&L Gates hourly rates also are between the 75th and 90th percentile of the average hourly rates for partners and associates who specialize in intellectual property work at firms in the Minneapolis/St. Paul metropolitan area.

18. WWE seeks reimbursement of \$14,375.50 in attorneys' fees incurred for services provided by K&L Gates LLP in connection with the Motion. Based on my knowledge and experience in this matter and similar matters, the fees charged by K&L Gates LLP relating to the Motion were reasonable.

19. WWE has reviewed and approved the invoices attached hereto as Exhibit 1 and has paid all such invoices.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 10th day of December, 2018 in Pittsburgh, Pennsylvania.

/s/ Christopher M. Verdini

# Exhibit 1

## K&L GATES

K&L GATES LLP  
K&L GATES CENTER  
210 SIXTH AVENUE  
PITTSBURGH, PA 15222-2613  
T +1 412 355 6500 F +1 412 355 6501 klgates.com  
Tax ID No. 25 0921018

World Wrestling Entertainment, Inc.  
Brian Nurse  
Senior Vice President, General Counsel &  
Secretary  
1241 East Main Street  
Stamford, CT 06902

Invoice Date : October 8, 2018  
Invoice Number : 3567072  
Services Through : September 30, 2018

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**0149511.09039 AWA / Dale Gagner**

K&amp;L GATES

Invoice # 3567072  
0149511.09039  
Page 2 of 3**FEES**

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
09/27/18	C. B. Krasik	2.20	Conference with C. Verdini and A. Shabalov regarding motion for contempt; telephone conference with C. Verdini and new local counsel regarding same; review case law for background for motion for contempt	1,496.00
09/27/18	A. Shabalov	0.60	Conference with C. Verdini and C. Krasik regarding D. Gagner motion for sanctions; review M.	219.00



**K&L GATES**

Invoice # 3567072  
 0149511.09039  
 Page 3 of 3

<b>DATE</b>	<b>NAME</b>	<b>HOURS</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
09/27/18	C. M. Verdini	2.00	Gelerntner research on same Review research regarding civil contempt standard in connection with D. Gagner violation of AWA permanent injunction; review D. Gagner social media web sites regarding same; conference with A. Shabalov and C. Krasik regarding same	1,190.00
09/28/18	R. C. Sobolak	0.90	Conduct internet research to download and obtain materials posted by D. Gagner on Facebook and WSL web site; respond to attorney requests regarding same	265.50
10/02/18	R. C. Sobolak	0.60	Conduct internet research to identify social media pages relevant to D. Gagner and capture posts relevant to AWA	177.00

**TIMEKEEPER SUMMARY**

C. B. Krasik	\$	680.00 / hr
A. Shabalov	\$	365.00 / hr
R. C. Sobolak	\$	295.00 / hr
C. M. Verdini	\$	595.00 / hr

## K&L GATES

K&L GATES LLP  
K&L GATES CENTER  
210 SIXTH AVENUE  
PITTSBURGH, PA 15222-2613  
T +1 412 355 6500 F +1 412 355 6501 klgates.com  
Tax ID No. 25 0921018

World Wrestling Entertainment, Inc.  
Brian Nurse  
Senior Vice President, General Counsel &  
Secretary  
1241 East Main Street  
Stamford, CT 06902

Invoice Date : November 8, 2018  
Invoice Number : 3578762  
Services Through : October 31, 2018

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**0149511.09039 AWA / Dale Gagner**

K&amp;L GATES

Invoice # 3578762  
 0149511.09039  
 Page 2 of 5

**FEES**

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
10/04/18	A. Shabalov	4.50	Draft memorandum of law in support of motion for rule to show	1,642.50
10/05/18	A. Shabalov	3.90	Research and draft motion for rule to show cause and brief in support	1,423.50
10/08/18	C. B. Krasik	2.50	Revise draft brief in support of motion for order to show cause of civil contempt; conference with C. Verdini and A. Shabalov regarding comments to same	1,700.00
10/08/18	A. Shabalov	5.00	Conference with C. Verdini and C. Krasik to discuss motion for rule to show cause and brief drafts; revise same; draft and revise proposed order and declaration of C. Verdini; work with R. Sobolak to collect exhibits to declaration	1,825.00
10/08/18	C. M. Verdini	2.60	Review and edit motion for contempt and related documents; conference with C. Krasik and A. Shabalov regarding same	1,547.00

K&L GATES

Invoice # 3578762  
0149511.09039  
Page 3 of 5

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
10/09/18	A. Shabalov	1.70	Research case law on prospective fines for contempt; revise and finalize motion for rule to show cause filings	620.50
10/10/18	C. M. Verdini	2.10	Review and finalize motion for civil contempt and related pleadings for filing; attempt to	1,249.50

**K&L GATES**

Invoice # 3578762

0149511.09039

Page 4 of 5

<b>DATE</b>	<b>NAME</b>	<b>HOURS</b>	<b>DESCRIPTION</b>	<b>AMOUNT</b>
			meet and conference with D. Gagner regarding same; draft meet and conference certification	
10/11/18	C. B. Krasik	1.50	Review final versions of court filings; telephone conference with C. Verdini regarding same; correspondence to C. Verdini and local counsel regarding same; correspondence with B. Nurse and L. Midden regarding same	1,020.00

K&L GATES

Invoice # 3578762  
0149511.09039  
Page 5 of 5

DATE	NAME	HOURS	DESCRIPTION	AMOUNT
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**TIMEKEEPER SUMMARY**

C. B. Krasik	680.00 / hr
A. Shabalov	365.00 / hr
R. C. Sobolak	295.00 / hr
C. M. Verdini	595.00 / hr

# Exhibit 2

**SUMMARY OF K&L GATES FEES CHARGED IN CONNECTION WITH THE  
MOTION FOR WHICH WWE SEEKS REIMBURSEMENT**

<b>Month</b>	<b>Invoice</b>	<b>Name</b>	<b>Title</b>	<b>Hours</b>	<b>Rate</b>	<b>Amount</b>
Sept. 2018	3567072	Rachael Sobolak	Paralegal	1.5	\$295/hr.	\$442.50
Sept. 2018	3567072	Anna Shabalov	Associate	0.6	\$365/hr.	\$219.00
Sept. 2018	3567072	Curtis Krasik	Partner	2.2	\$680/hr.	\$1496.00
Sept. 2018	3567072	Christopher Verdini	Partner	2.0	\$595/hr.	\$1190.00
Oct. 2018	3578762	Anna Shabalov	Associate	15.1	\$365/hr.	\$5511.50
Oct. 2018	3578762	Curtis Krasik	Partner	4.0	\$680/hr.	\$2720.00
Oct. 2018	3578762	Christopher Verdini	Partner	4.7	\$595/hr.	\$2796.50

<b>Attorney</b>	<b>Total Hours</b>	<b>Total Fees</b>
Curtis Krasik	6.2	\$4,216.00
Christopher Verdini	6.7	\$3,986.50
Anna Shabalov	15.7	\$5,730.50
Rachael Sobolak	1.5	\$442.50
<b>TOTAL</b>	<b>30.1</b>	<b>\$14,375.50</b>



# **Exhibit 3**

# **AIPLA**

## **2017 Report of the Economic Survey**

Prepared Under Direction of  
Law Practice Management Committee



American Intellectual Property Law Association  
1400 Crystal Drive, Suite 600  
Arlington, Virginia 22202  
[www.aipla.org](http://www.aipla.org)



# Report of the Economic Survey 2017

Prepared Under Direction of the  
American Intellectual Property Law Association  
Law Practice Management Committee

Donika P. Pentcheva, Chair  
Frank L. Gerratana, Vice Chair

June 2017

Prepared by:



910 Clopper Road, Suite 210N ■ Gaithersburg, Maryland 20878  
TEL: (240) 268-1262 ■ [ARI@associationresearch.com](mailto:ARI@associationresearch.com)

## Private Firm, Partner

## Average hourly billing rate in 2016 (Q30)

Private Firm, Partner

		Average hourly billing rate in 2016						
		Number of Individuals	Mean (Average)	10th Percentile 10%	First Quartile 25%	Median (Midpoint)	Third Quartile 75%	90th Percentile 90%
All Individuals		331	\$503	\$301	\$373	\$450	\$580	\$799
Years of Intellectual Property Law Experience	5-6	6	\$327	ISD	\$250	\$330	\$375	ISD
	7-9	11	\$382	\$256	\$300	\$350	\$445	\$690
	10-14	43	\$381	\$297	\$315	\$365	\$421	\$517
	15-24	131	\$498	\$321	\$375	\$450	\$600	\$750
	25-34	85	\$553	\$348	\$400	\$490	\$675	\$900
	35 or More	55	\$575	\$348	\$420	\$525	\$700	\$962
Location	Boston CMSA	13	\$632	\$295	\$410	\$700	\$800	\$994
	NYC CMSA	26	\$582	\$386	\$433	\$540	\$705	\$930
	Philadelphia CMSA	13	\$578	\$328	\$450	\$550	\$738	\$884
	Washington, DC CMSA	52	\$535	\$346	\$400	\$470	\$681	\$818
	Other East	12	\$397	\$250	\$350	\$390	\$483	\$528
	Metro Southeast	12	\$481	\$268	\$365	\$438	\$510	\$950
	Other Southeast	12	\$384	\$305	\$341	\$363	\$424	\$525
	Chicago CMSA	24	\$562	\$380	\$453	\$522	\$640	\$895
	Minne.-St. Paul PMSA	13	\$484	\$280	\$358	\$425	\$598	\$763
	Other Central	70	\$398	\$290	\$320	\$378	\$446	\$593
	Texas	32	\$606	\$334	\$413	\$528	\$619	\$900
	Los Angeles CMSA	7	\$575	ISD	\$400	\$525	\$770	ISD
	San Francisco CMSA	13	\$634	\$401	\$478	\$525	\$798	\$1,022
	Other West	32	\$417	\$300	\$318	\$390	\$469	\$578
IP Technical Specialization (>=30%)	Biotechnology	19	\$551	\$285	\$370	\$420	\$750	\$950
	Chemical	28	\$433	\$299	\$350	\$420	\$500	\$630
	Computer Hardware	5	\$669	ISD	\$413	\$700	\$910	ISD
	Computer Software	33	\$493	\$309	\$353	\$450	\$535	\$783
	Electrical	25	\$518	\$318	\$350	\$450	\$673	\$840
	Mechanical	71	\$446	\$303	\$350	\$400	\$513	\$634
	Medical/ Health Care	15	\$450	\$298	\$380	\$400	\$550	\$564
Age	Pharmaceutical	9	\$786	ISD	\$500	\$900	\$1,025	ISD
	Younger than 35	3	\$367	ISD	ISD	\$350	ISD	ISD
	35-39	22	\$354	\$250	\$300	\$348	\$405	\$457
	40-44	37	\$471	\$299	\$335	\$390	\$600	\$750
	45-49	52	\$474	\$300	\$350	\$423	\$528	\$791
	50-54	84	\$490	\$315	\$390	\$450	\$550	\$785
	55-59	52	\$535	\$344	\$389	\$478	\$593	\$900
Gender	60 or Older	79	\$573	\$373	\$420	\$525	\$700	\$950
	Male	284	\$504	\$315	\$375	\$450	\$575	\$790
Highest Non-Law Degree	Female	43	\$485	\$300	\$330	\$425	\$605	\$846
	Bachelor's Degree	219	\$495	\$310	\$365	\$440	\$565	\$795
	Master's Degree	69	\$542	\$300	\$398	\$500	\$690	\$850
	Doctorate Degree	29	\$481	\$300	\$340	\$450	\$600	\$785
Ethnicity	White/Caucasian	293	\$503	\$300	\$374	\$450	\$578	\$800
	Hispanic/Latino	6	\$486	ISD	\$303	\$483	\$668	ISD
	Asian/Pacific Islander	14	\$533	\$325	\$393	\$505	\$620	\$848
	Other	5	\$516	ISD	\$333	\$375	\$770	ISD
Full-time Intellectual Property lawyers and agents in the firm or corporation	1-2	33	\$380	\$250	\$300	\$350	\$410	\$530
	3-5	59	\$414	\$300	\$360	\$390	\$450	\$535
	6-10	46	\$446	\$300	\$350	\$425	\$531	\$604
	11-25	67	\$447	\$300	\$350	\$400	\$500	\$604
	26-50	38	\$517	\$314	\$418	\$495	\$568	\$754
	51-100	46	\$622	\$379	\$450	\$568	\$789	\$950
	101-150	18	\$634	\$401	\$475	\$615	\$756	\$853
	More than 150	20	\$837	\$603	\$669	\$825	\$984	\$1,095

## Private Firm, Associate

## Average hourly billing rate in 2016 (Q30)

Private Firms, Associate

		Average hourly billing rate in 2016						
		Number of Individuals	Mean (Average)	10th Percentile 10%	First Quartile 25%	Median (Midpoint)	Third Quartile 75%	90th Percentile 90%
All Individuals		186	\$386	\$225	\$274	\$340	\$475	\$606
Years of Intellectual Property Law Experience	Fewer than 3	39	\$314	\$205	\$250	\$280	\$360	\$525
	3-6	32	\$312	\$220	\$246	\$278	\$339	\$509
	7-9	36	\$442	\$273	\$325	\$378	\$578	\$685
	10-14	30	\$377	\$250	\$274	\$343	\$424	\$618
	15-24	29	\$439	\$300	\$323	\$450	\$498	\$650
	25-34	11	\$485	\$269	\$375	\$480	\$575	\$800
	35 or More	5	\$601	ISD	\$418	\$640	\$765	ISD
Location	Boston CMSA	14	\$479	\$235	\$321	\$505	\$593	\$738
	NYC CMSA	14	\$461	\$205	\$316	\$413	\$610	\$775
	Philadelphia CMSA	3	\$338	ISD	ISD	\$340	ISD	ISD
	Washington, DC CMSA	37	\$452	\$278	\$323	\$400	\$555	\$700
	Other East	10	\$334	\$205	\$288	\$325	\$389	\$487
	Metro Southeast	8	\$343	ISD	\$269	\$343	\$369	ISD
	Other Southeast	4	\$300	ISD	\$228	\$316	\$358	ISD
	Chicago CMSA	7	\$351	ISD	\$275	\$310	\$475	ISD
	Minneapolis-St. Paul PMSA	10	\$294	\$165	\$239	\$270	\$351	\$466
	Other Central	33	\$283	\$215	\$233	\$260	\$316	\$387
	Texas	12	\$435	\$253	\$328	\$415	\$565	\$682
	Los Angeles CMSA	5	\$412	ISD	\$320	\$370	\$525	ISD
	San Francisco CMSA	4	\$476	ISD	\$413	\$488	\$529	ISD
	Other West	25	\$385	\$223	\$250	\$365	\$475	\$632
IP Technical Specialization (≥30%)	Biotechnology	8	\$496	ISD	\$364	\$468	\$656	ISD
	Chemical	16	\$326	\$216	\$231	\$313	\$344	\$516
	Computer Hardware	4	\$366	ISD	\$249	\$310	\$540	ISD
	Computer Software	30	\$385	\$223	\$271	\$358	\$464	\$569
	Electrical	15	\$355	\$209	\$260	\$325	\$400	\$560
	Mechanical	48	\$334	\$220	\$250	\$333	\$400	\$475
	Medical/ Health Care	5	\$379	ISD	\$250	\$375	\$510	ISD
Age	Pharmaceutical	9	\$424	ISD	\$283	\$380	\$570	ISD
	Younger than 33	41	\$317	\$201	\$243	\$300	\$355	\$519
	33-39	55	\$387	\$226	\$260	\$335	\$505	\$632
	40-44	27	\$374	\$222	\$260	\$325	\$470	\$650
	45-49	24	\$397	\$225	\$311	\$393	\$490	\$575
	50-54	11	\$421	\$317	\$325	\$340	\$455	\$792
	55-59	11	\$439	\$242	\$300	\$450	\$575	\$670
Gender	60 or Older	15	\$506	\$307	\$375	\$475	\$640	\$788
	Male	146	\$385	\$240	\$275	\$340	\$463	\$600
Highest Non-Law Degree	Female	38	\$388	\$200	\$250	\$350	\$504	\$651
	Bachelor's Degree	115	\$380	\$220	\$260	\$325	\$475	\$608
	Master's Degree	52	\$387	\$240	\$285	\$350	\$450	\$629
Ethnicity	Doctorate Degree	15	\$425	\$238	\$315	\$375	\$565	\$663
	White/Caucasian	157	\$379	\$240	\$275	\$335	\$458	\$600
	Asian/Pacific Islander	13	\$454	\$205	\$298	\$460	\$593	\$665
	Blended	3	\$498	ISD	ISD	\$400	ISD	ISD
Full-time Intellectual Property lawyers and agents in the firm or corporation	Other	3	\$258	ISD	ISD	\$225	ISD	ISD
	1-2	5	\$241	ISD	\$197	\$225	\$293	ISD
	3-5	13	\$377	\$220	\$250	\$380	\$475	\$552
	6-10	22	\$314	\$210	\$250	\$313	\$353	\$435
	11-25	36	\$350	\$224	\$253	\$318	\$400	\$551
	26-50	35	\$381	\$240	\$290	\$340	\$425	\$605
	51-100	30	\$440	\$260	\$314	\$430	\$516	\$673
	101-150	22	\$360	\$263	\$275	\$333	\$419	\$558
	More than 150	18	\$554	\$318	\$449	\$583	\$658	\$733